

Remarks

Claims 2-6 and 8-17 are pending.

Claims 1 and 7 have been canceled.

New Claim 17 replaces and is supported by original Claim 1.

No new matter has been added by the amendments or the addition of the new claim.

The claims have been amended merely to clarify language used in the claims and/or the subject matter claimed. The scope of the claims is intended to be the same after the amendment as it was before the amendment.

Support for the amendments to the claims is in the claims as originally filed, the figures, and in the specification. Additional support for Claim 8 is at page 9, last sentence (...The width of the filling gap...adjustable via the distance of the guide rollers...); and for Claim 9 at page 4, last paragraph to page 5 (means for defining the width of the food product).

Rejection of Claims under 35 U.S.C. §112(2)

The Examiner rejected Claims 1-15 under Section 112(2) under Section 112(2) for the use of indefinite claim language.

It is believed that the claims as amended and presently presented fully comply with the requirements of Section 112(2) and are clear in their meaning. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims under 35 U.S.C. §102(b)

The Examiner rejected Claims 1-15 under Section 102(b) as anticipated by DE 19807497.

The Examiner asserts that "cooling belts" of DE 19807497 are inherently aligned at the claimed angle. Thus, the Examiner maintains that DE 19807497 discloses each of the elements of the rejected claims. This rejection is respectfully traversed.

The device as defined in Claim 17 (as in previous Claim 1) requires:

- a) *two* endless rotatable cooling belts *arranged in parallel* to guide and cool the strip of flowable melted food material by touching contact *on both sides* of said strip of food material; and
- b) the orientation of the two parallel-arranged cooling belts at a 45° to 90° angle.

DE 19807497 discloses an apparatus to produce cheese cubes from a continuous cheese volume. The apparatus taught by DE 19807497 teaches cooling rolls 2, 3, 4 – and the cooling of the cheese volume 5 by passage over a cooling device 10 in the form of a plate. See DE 19807497 at col. 2, lines 15-21 (emphasis added) – describing the 'Kühlwalzen 2,3,4' (cooling rolls) and the 'Kühleinrichtung' (cooling device) in the form of a 'Kühlplatte 10' (cooling plate), as follows (emphasis added).

Fig. 1 Das Schmelzkäseband 5 gelangt über mehrere 'Kühlwalzen 2,3,4' auf ein Endlosförderband 6 und wird während des Förderns in Richtung zur ersten Schneideinrichtung mittels einer weiteren Kühleinrichtung in Form einer Kühlplatte 10 abgekühlt....

Contrary to the Examiner's assertion, DE 19807497 does not disclose any cooling belts – and clearly not two parallel arranged cooling belts oriented at a 45-90° angle as required by Applicant's claims.

As such, DE 19807497 does not anticipate the claims.

Accordingly, withdrawal of this rejection is respectfully requested.

Extension of Term. The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that a one-month extension of term is required. Please charge the required fee (large entity) to Account No. 23-2053. If an additional extension is required, please consider this a petition therefor, and charge the required fee to Account No. 23-2053.

It is submitted that the present claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,



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